UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,546	02/11/2002	Jenny M. Pelner	884.616US1	5100

			EXAMINER
21186	7590	09/08/2004	DAMIANO, ANNE L

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ART UNIT	PAPER NUMBER
2114	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	10/073,546	PELNER, JENNY M.
	Examiner	**Art Unit**	
	Anne L Damiano	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11 February 2002*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-30* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-30* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *11 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by McKaughan et

al. (6,014,744).

As in claim 1, McKaughan discloses a method comprising:

Starting a computer system comprising at least one component;

Determining whether the at least one component has been tested; if not, testing the at

least one component, and otherwise, not testing the at least one component (column 1: line 10-

column 2: line 7 and column 3: lines 14-20). The BOOTING flag indicates whether the booting

process has occurred successfully (column 1: lines 56-57) or not. The booting process includes

loading and testing of different programs and devices of the computer. The BOOTING flag

indicating that the boot process completed successfully means that at least one component has

been tested. Checking the booting flag is determining if at least one component has been tested.

If the BOOTING flag indicates that the last boot was not completely successful, the at least one

device was not successfully tested, diagnostic operations are performed (column 1: lines 61-67).

As in claim 2, McKaughan discloses the method recited in claim 1 and further

comprising, if the at least one component is tested:

Storing an indication (BOOTING flag) that the at least one component has been tested

(column 1: lines 55-58, column 3: lines 49-51, column 4; lines 63-65).

As in claim 3, McKaughan discloses the method recited in claim 2, wherein the

indication comprises a predetermined bit pattern (column 1: lines 55-58). (The BOOTING flag

being cleared indicates that the booting diagnostics have been performed. The cleared flag is a

predetermined bit pattern.)

As in claim 4, McKaughan discloses the method recited in claim 3 wherein determining

further comprises checking for the predetermined bit pattern (column 1: lines 43-45 and figure

3). (The system determines if the diagnostic operations need to be performed by checking the

flag or checking for the predetermined pit pattern.)

As in claim 5, McKaughan discloses the method recited in claim 4 and further

comprising, if such predetermined bit pattern is present: booting the computer system (column 1:

lines 43-54 and column 2: lines 1-8). (If the BOOTING flag is cleared, the system omits those

diagnostic operations for the booting iteration and completes the booting process.)

As in claim 6, McKaughan discloses the method recited in claim 4 and further

comprising, if such predetermined bit pattern is present:

Determining whether a field test is ordered (DIAGNOSTIC flag) (column 2: lines 8-18,

column 3: lines 26-30), and

If so, testing the at least one component (column 1: lines 63-67), and

Otherwise, booting the computer system (column 2: lines 1-7). (If the initial boot

diagnostics have already been performed, the system can still set the DIAGNOSTIC flag to order

the diagnostic test.)

As in claim 7, McKaughan discloses the method recited in claim 6 and further

comprising, after testing: determining whether the test was successful (if the booting process

failed); and if so, providing an indication that the at least one component has been tested

(BOOTING flag cleared, indicating successful boot), and otherwise, providing an error

indication (BOOTING flag set, indicating boot but be tried again upon subsequent boot) (column

3: lines 7-9 and lines 13-15).

As in claim 8, McKaughan discloses the method recited in claim 2 and further

comprising after storing: restarting the computer system (column 1: lines 37-54). (The purpose

of this system is to decrease time involved in boots following the initial boot. Therefore, the

restarting the computer system occurs in the system after the initial boot wherein the indication

of the boot is stored.)

As in claim 9, McKaughan discloses the method recited in claim 1 and further

comprising, if the at least one component is tested:

Determining whether the test was successful (if the booting process failed), and

If so, storing an indication that the at least one component has been tested (BOOTING

flag cleared, indicating successful boot), and

Otherwise, providing an error indication (BOOTING flag set, indicating boot but be tried

again upon subsequent boot) (column 3: lines 7-9 and lines 13-15).

As in claim 10, McKaughan discloses the method recited in claim 1 and further

comprising, if the at least one component is not tested:

Booting the computer system (column 1: lines 37-55) (Either way, the computer system

is booted. If the at least one component has not been tested, the component will be tested during

the boot process.).

As in claim 11, McKaughan discloses the method recited in claim 10, wherein booting

comprises: initializing the at least one component; and

Loading a portion of an operating system into memory (column 1: lines 10-14 and

column 3: lines 45-47). (When the system is booted portions are initialized and a portion of

operating system is loaded into memory.)

As in claim 12, McKaughan discloses the method recited in claim 1 wherein determining

further comprises checking for the presence of a test to test the at least one component (column

1: lines 43-54). (If the diagnostics do not need to be performed, the tests are omitted. If the do

need to be performed they are present. Determining if the booting operations need to be performed is checking for the presence of a test.)

As in claim 13, McKaughan discloses the method recited in claim 12 and further comprising, if such a test is not present:

Booting the computer system (column 1: lines 37-55) (Either way, the computer system is booted. If the at least one component has been tested, the tests will be omitted and the boot process will be performed without the optional booting operations.)

As in claim 14, McKaughan discloses the method recited in claim 12 wherein checking comprises checking for the presence of a predetermined bit pattern (column 1: lines 55-67). (The determination of whether optional booting operations or tests are present is my by checking the BOOTING and DIAGNOSTIC flags, which are predetermined bit patterns.)

As in claim 15, McKaughan discloses a computing device having at least one component and executing a computer program comprising the operations of:

Upon receiving a command to start the computing device, determining whether the at least one component has been tested; and

If not, testing the at least one component, and

Otherwise, not testing the at least one component (column 1: line 10- column 2: line 7 and column 3: lines 14-20). The BOOTING flag indicates whether the booting process has occurred successfully (column 1: lines 56-57) or not. The booting process includes loading and

testing of different programs and devices of the computer. The BOOTING flag indicating that

the boot process completed successfully means that at least one component has been tested.

Checking the booting flag is determining if at least one component has been tested. If the

BOOTING flag indicates that the last boot was not completely successful, the at least one device

was not successfully tested, diagnostic operations are performed (column 1: lines 61-67).

As in claim 16, McKaughan discloses the computing device recited in claim 15 wherein

the computer program further comprises the operation of:

If the at least one component is tested, storing an indication (BOOTING flag) that the at

least one component has been tested (column 1: lines 55-58, column 3: lines 49-51, column 4;

lines 63-65).

As in claim 17, McKaughan discloses the computing device recited in claim 16 wherein

the computer program further comprises the operation of:

After storing, restarting the computing device (column 1: lines 37-54). (The purpose of

this system is to decrease time involved in boots following the initial boot. Therefore, the

restarting the computer system occurs in the system after the initial boot wherein the indication

of the boot is stored.)

As in claim 18, McKaughan discloses the computing device recited in claim 15 wherein

the computer program further comprises the operation of:

If the at least one component is tested, determining whether the test was successful (if the

booting process failed); and

If so, storing an indication that the at least one component has been tested (BOOTING

flag cleared, indicating successful boot), and

Otherwise, providing an error indication (BOOTING flag set, indicating boot but be tried

again upon subsequent boot) (column 3: lines 7-9 and lines 13-15).

As in claim 19, McKaughan discloses the computing device recited in claim 15 wherein

the computer program further comprises the operation of:

If the at least one component is not tested, booting the computing device (column 1: lines

37-55). (Either way, the computer system is booted. If the at least one component has not been

tested, the component will be tested during the boot process.)

As in claim 20, McKaughan discloses the computing device recited in claim 19 wherein,

in booting, the at least one component is initialized, and a portion of an operating system is

loaded into memory (column 1: lines 10-14 and column 3: lines 45-47). (When the system is

booted portions are initialized and a portion of operating system is loaded into memory.)

As in claim 21, McKaughan discloses the computing device recited in claim 15 wherein,

in determining, a check is made for the presence of a test to test the at least one component

(column 1: lines 43-54). (If the diagnostics do not need to be performed, the tests are omitted. If

the do need to be performed they are present. Determining if the booting operations need to be performed is checking for the presence of a test.)

As in claim 22, McKaughan discloses the computing device recited in claim 21 wherein the computer program further comprises the operation of:

If such a test is not present, booting the computing device (column 1: lines 37-55) (Either way, the computer system is booted. If the at least one component has been tested, the tests will be omitted and the boot process will be performed without the optional booting operations.)

As in claim 23, McKaughan discloses the computing device recited in claim 21 wherein, in checking, a check is made for the presence of a predetermined bit pattern (column 1: lines 55-67). (The determination of whether optional booting operations or tests are present is my by checking the BOOTING and DIAGNOSTIC flags, which are predetermined bit patterns.)

As in claim 24, McKaughan discloses an article comprising a machine-accessible medium having associated instructions, wherein the instructions, when accessed, result in a machine comprising at least one component performing:

Upon receiving a command to start the machine, determining whether the at least one component has been tested;

If not, testing the at least one component, and

Otherwise, not testing the at least one component (column 1: line 10- column 2: line 7 and column 3: lines 14-20). The BOOTING flag indicates whether the booting process has

occurred successfully (column 1: lines 56-57) or not. The booting process includes loading and testing of different programs and devices of the computer. The BOOTING flag indicating that the boot process completed successfully means that at least one component has been tested. Checking the booting flag is determining if at least one component has been tested. If the BOOTING flag indicates that the last boot was not completely successful, the at least one device was not successfully tested, diagnostic operations are performed (column 1: lines 61-67).

As in claim 25, McKaughan discloses the article of claim 24 wherein the instructions, when accessed, additionally result in the machine performing:

If the at least one component is tested, storing an indication (BOOTING flag) that the at least one component has been tested (column 1: lines 55-58, column 3: lines 49-51, column 4; lines 63-65).

As in claim 26, McKaughan discloses the article of claim 25 wherein the instructions, when accessed, additionally result in the machine performing:

After storing, restarting the machine (column 1: lines 37-54). (The purpose of this system is to decrease time involved in boots following the initial boot. Therefore, the restarting the computer system occurs in the system after the initial boot wherein the indication of the boot is stored.)

As in claim 27, McKaughan discloses the article of claim 24 wherein the instructions, when accessed, additionally result in the machine performing:

If the at least one component is tested, determining whether the test was successful (if the

booting process failed); and

If so, storing an indication that the at least one component has been tested (BOOTING

flag cleared, indicating successful boot), and

Otherwise, providing an error indication (BOOTING flag set, indicating boot but be tried

again upon subsequent boot) (column 3: lines 7-9 and lines 13-15).

As in claim 28, McKaughan discloses the article of claim 24 wherein the instructions,

when accessed, additionally result in the machine performing:

If the at least one component is not tested, booting the machine (column 1: lines 37-55).

(Either way, the computer system is booted. If the at least one component has not been tested,

the component will be tested during the boot process.)

As in claim 29, McKaughan discloses the article of claim 28 wherein the instructions,

when accessed, additionally result in the machine performing:

In booting, the at least one component is initialized, and a portion of an operating system

is loaded into memory (column 1: lines 10-14 and column 3: lines 45-47). (When the system is

booted portions are initialized and a portion of operating system is loaded into memory.)

As in claim 30, McKaughan discloses the article of claim 24 wherein the instructions,

when accessed, additionally result in the machine performing:

In determining, a check is made for the presence of a test to test the at least one

component and, if such a test is not present, booting the machine (column 1: lines 37-55). (If the

diagnostics do not need to be performed, the tests are omitted. If the do need to be performed

they are present. Determining if the booting operations need to be performed is checking for the

presence of a test. Either way, the computer system is booted. If the at least one component has

been tested, the tests will be omitted and the boot process will be performed without the optional

booting operations.)

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

See PTO-892.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Anne L Damiano whose telephone number is (703) 305-8010.

After approximately October 15th, the examiner can be reached at (571) 272-3658. The

examiner can normally be reached on M-F 9-6:30 first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALD

SCOTT BADERMAN
PRIMARY EXAMINER